



# House of Representatives

General Assembly

**File No. 237**

February Session, 2018

Substitute House Bill No. 5303

*House of Representatives, April 5, 2018*

The Committee on Public Safety and Security reported through REP. VERRENGIA of the 20th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING MINIMUM STANDARDS AND PRACTICES  
FOR THE ADMINISTRATION OF LAW ENFORCEMENT UNITS AND  
REPORTS OF POLICE PURSUITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2018*) (a) The Police Officer
- 2 Standards and Training Council, established under section 7-294b of
- 3 the general statutes, shall develop, adopt and revise, as necessary,
- 4 minimum standards and practices for the administration and
- 5 management of law enforcement units, as defined in section 7-294a of
- 6 the general statutes. Such minimum standards and practices shall be
- 7 based upon internationally recognized standards of excellence in law
- 8 enforcement and shall include, but need not be limited to, standards
- 9 and practices regarding fair and impartial policing, use of force,
- 10 response to crimes of family violence, use of body-worn recording
- 11 equipment, complaints that allege misconduct by police officers, use of
- 12 electronic defense weapons, eyewitness identification procedures,
- 13 notifications in death and related events and pursuits by police

14 officers. The council shall post such minimum standards and practices  
15 on the council's Internet web site and disseminate such standards and  
16 practices to law enforcement units. The council shall develop a process  
17 to review and assess a law enforcement unit's compliance with such  
18 minimum standards and practices and issue a certificate of compliance  
19 with law enforcement standards and practices to a law enforcement  
20 unit that meets or exceeds such standards and practices.

21 (b) On and after January 1, 2019, each law enforcement unit shall  
22 adopt and maintain (1) the minimum standards and practices  
23 developed by the council pursuant to subsection (a) of this section, or  
24 (2) a higher level of accreditation standards developed by the council  
25 or the Commission on Accreditation for Law Enforcement Agencies,  
26 Inc.

27 Sec. 2. Section 14-283a of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective October 1, 2018*):

29 (a) As used in this section, "police officer" means a sworn member of  
30 an organized local police department or a state police officer, which  
31 member or officer is assigned to patrol duties on public streets or  
32 highways, and "pursuit" means an attempt by a police officer in an  
33 authorized emergency vehicle to apprehend any occupant of another  
34 moving motor vehicle, when the driver of the fleeing vehicle is  
35 attempting to avoid apprehension by maintaining or increasing the  
36 speed of such vehicle or by ignoring the police officer's attempt to stop  
37 such vehicle.

38 (b) The Commissioner of Emergency Services and Public Protection,  
39 in conjunction with the Chief State's Attorney, the Police Officer  
40 Standards and Training Council, the Connecticut Police Chiefs  
41 Association and the Connecticut Coalition of Police and Correctional  
42 Officers, shall adopt in accordance with chapter 54 a uniform, state-  
43 wide policy for handling pursuits by police officers. Such policy shall  
44 specify: (1) The conditions under which a police officer may engage in  
45 a pursuit and discontinue a pursuit, (2) alternative measures to be  
46 employed by any such police officer in order to apprehend any

47 occupant of the fleeing motor vehicle or to impede the movement of  
48 such motor vehicle, (3) the coordination and responsibility, including  
49 control over the pursuit, of supervisory personnel and the police  
50 officer engaged in such pursuit, (4) in the case of a pursuit that may  
51 proceed and continue into another municipality, (A) the requirement  
52 to notify and the procedures to be used to notify the police department  
53 in such other municipality or, if there is no organized police  
54 department in such other municipality, the officers responsible for law  
55 enforcement in such other municipality, that there is a pursuit in  
56 progress, and (B) the coordination and responsibility of supervisory  
57 personnel in each such municipality and the police officer engaged in  
58 such pursuit, (5) the type and amount of training in pursuits, that each  
59 police officer shall undergo, which may include training in vehicle  
60 simulators, if vehicle simulator training is determined to be necessary,  
61 and (6) that a police officer immediately notify supervisory personnel  
62 or the officer in charge after the police officer begins a pursuit. The  
63 chief of police or Commissioner of Emergency Services and Public  
64 Protection, as the case may be, shall inform each officer within such  
65 chief's or said commissioner's department and each officer responsible  
66 for law enforcement in a municipality in which there is no such  
67 department of the existence of the policy of pursuit to be employed by  
68 any such officer and shall take whatever measures that are necessary  
69 to assure that each such officer understands the pursuit policy  
70 established.

71 (c) (1) Not later than December 1, 2018, the Police Officer Standards  
72 and Training Council, established under section 7-294b, shall develop  
73 and promulgate a standardized form for (A) reporting pursuits by  
74 police officers pursuant to subdivision (2) of this subsection, and (B)  
75 submitting annual reports pursuant to subdivision (3) of this  
76 subsection.

77 (2) On and after January 1, 2019, the chief of police or the  
78 Commissioner of Emergency Services and Public Protection, as the  
79 case may be, shall require each police officer who engages in a pursuit  
80 to report such pursuit on the standardized form developed and

81 promulgated under subdivision (1) of this subsection.

82 (3) Not later than January 30, 2020, and annually thereafter, each  
83 chief of police and the Commissioner of Emergency Services and  
84 Public Protection shall submit an annual report to the Police Officer  
85 Standards and Training Council regarding pursuits by police officers  
86 on the standardized form developed and promulgated under  
87 subdivision (1) of this subsection.

88 (4) Not later than April 30, 2020, and annually thereafter, the Police  
89 Officer Standards and Training Council shall compile, analyze and  
90 summarize the annual reports and submit, in accordance with section  
91 11-4a, a consolidated report regarding police pursuits and any  
92 recommendations for legislation to the joint standing committee of the  
93 General Assembly having cognizance of matters relating to public  
94 safety and security. The council may contract with a third party to  
95 prepare or to assist in the preparation of the consolidated report.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2018	New section
Sec. 2	October 1, 2018	14-283a

**Statement of Legislative Commissioners:**

In Section 2(c), Subdivs. (1) and (2) were redrafted for accuracy and clarity and in Subdiv. (3), "standardized" was inserted before "form" for clarity and "pursuant to" was changed to "under" for consistency.

**PS**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Department of Emergency Services and Public Protection	GF - Potential Cost	None	Less than 50,000

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 19 \$	FY 20 \$
Various Municipalities	STATE MANDATE - Potential Cost	See Below	See Below

**Explanation**

There is a potential cost to the Department of Emergency Services and Public Protection (DESPP) resulting from the bill, which requires the Police Officers Standards and Training Council (POST) to develop minimal standards and practices for the purpose of the accreditation of police departments and to submit a report to the General Assembly related to police pursuits. The bill permits POST to contract with a third party to develop the report in FY 20, which would result in a potential minimal cost to the agency depending on the terms of the agreement.

To the extent that state and municipal police departments are not currently complying with the newly developed policies and standards by POST, there may be a potential cost. For example, if POST determines body-worn cameras should be required of municipal police

departments, there may be a cost to the state and towns for their purchase.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5303*****AN ACT CONCERNING MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION OF LAW ENFORCEMENT UNITS AND REPORTS OF POLICE PURSUITS.*****SUMMARY**

This bill requires the Police Officer Standards and Training Council (POST) to develop (1) minimum standards and practices for administering and managing law enforcement units and (2) a process for assessing compliance, including a certificate of compliance. Beginning January 1, 2019, the bill requires law enforcement units to adopt and maintain POST's minimum standards and practices or a higher level of accreditation.

The bill also establishes a series of reporting requirements concerning police pursuits. Generally, it requires POST to develop standard reporting forms, police officers to report each pursuit in which they are involved, and the Department of Emergency Services and Public Protection (DESPP) commissioner and local police chiefs to submit annual pursuit reports to POST.

EFFECTIVE DATE: October 1, 2018

**MINIMUM STANDARDS AND PRACTICES**

The bill requires POST to develop, adopt, and revise, as necessary, minimum standards and practices for administering and managing law enforcement units. Under existing law and the bill, "law enforcement unit" means any state or municipal agency, organ, or department (or tribal agency, organ, or department created and governed under a legal memorandum of understanding) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing,

detecting, or investigating crime.

The bill requires POST to develop the standards and practices based on internationally recognized standards of excellence in law enforcement. At a minimum, they must include:

1. fair and impartial policing,
2. use of force,
3. response to family violence crimes,
4. use of body cameras,
5. police misconduct complaints,
6. use of electronic defense weapons,
7. eyewitness identification procedures,
8. notifications of death, and
9. police pursuits.

POST must (1) publish the minimum standards and practices on its website and disseminate them to law enforcement units, (2) develop a process for reviewing and assessing compliance, and (3) issue certificates of compliance to units that meet or exceed the standards and practices.

Beginning January 1, 2019, the bill requires law enforcement units to adopt and maintain (1) the minimum standards and practices developed by POST or (2) a higher level of accreditation standards developed by POST or the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) (see BACKGROUND).

## **POLICE PURSUITS**

Existing law requires the DESPP commissioner, in conjunction with POST and other related entities, to adopt a uniform statewide police



pursuit policy. The bill requires POST, by December 1, 2018, to develop and promulgate standardized forms for (1) reporting each police pursuit and (2) submitting annual reports on such pursuits.

Beginning January 1, 2019, the bill requires the DESPP commissioner and local police chiefs to require each police officer who engages in a pursuit to report the pursuit using POST's standard form. By January 30, 2020, and annually thereafter, it requires the DESPP commissioner and local police chiefs to submit an annual report to POST, using POST's standard form, regarding pursuits by their police officers.

By April 30, 2020, and annually thereafter, POST must compile, analyze, and summarize the annual reports and submit a consolidated police pursuit report with any legislative recommendations to the Public Safety and Security Committee. POST may contract with a third party to prepare or assist in preparing the report.

## **BACKGROUND**

### **CALEA**

A nonprofit corporation, CALEA's purpose is to improve the delivery of public safety services, primarily by maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence. CALEA is governed by a 21-member board, including 11 law enforcement practitioners. The members serve without compensation and are appointed by the four law enforcement organizations that founded CALEA (i.e., the International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, National Sheriffs' Association, and Police Executive Research Forum).

## **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea    24    Nay   0    (03/16/2018)